

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | | |
|---------------------------------|---|--------------------------------|
| ROBERT STOVER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:14-cv-00407-TWP-TAB |
| |) | |
| ENVIRONMENTAL RESTORATION, LLC, |) | |
| |) | |
| Defendant. |) | |

ENTRY ON MOTION TO REMAND


This matter is before the Court on Plaintiff Robert Stover’s (“Mr. Stover”) Motion To Remand (Dkt. 8), alleging lack of jurisdiction. Defendant Environmental Restoration, LLC (“ER”) removed this action from state court on the basis of diversity jurisdiction. In its Notice of Removal (Dkt. 1) it incorrectly stated that, “Defendant is a citizen of the State of Missouri in that it is a Missouri corporation, with its principal place of business in Missouri.” Dkt. 1 at 2. However, ER is a limited liability company, an “LLC”, and for diversity purposes, the citizenship of an LLC is the citizenship of each of its members. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). “Consequently, an LLC’s jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well.” *Id.*

Mr. Stover’s motion is well-grounded; ER’s Notice of Removal is deficient. However, it has since filed an Amended Notice of Removal (Dkt. 12) that correctly identifies itself as an LLC and names the members of ER and lists the members’ citizenships. The Court accepts the Amended Notice of Removal as curing the original defect raised by Mr. Stover, as it establishes complete diversity between the parties. Therefore, the Court does have jurisdiction over this

action based on diversity. *See* 28 U.S.C. 1332(a). Because this is the only ground raised by Mr. Stover for remand and it has been cured, Mr. Stover's motion (Dkt. 8) is **DENIED**.

SO ORDERED.

Date: 05/02/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

DISTRIBUTION:

Bryan J. Dillon
FORE MILLER & SCHWARTZ
bjdatty@aol.com

Melissa K. Fuller
JACKSON LEWIS P.C.
melissa.fuller@jacksonlewis.com

Craig W. Wiley
JACKSON LEWIS PC
craig.wiley@jacksonlewis.com